

City of Bradford Metropolitan District Council

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Record of Hearings of the Bradford Licensing Panel held on Friday 20 June 2008 in City Hall, Bradford

Procedural Items

DISCLOSURES OF INTEREST

No disclosures of interest in matters under consideration were received.

INSPECTION OF REPORTS AND BACKGROUND PAPERS

There were no appeals submitted by the public to review decisions to restrict documents.

Hearings

1. Application for a review of the premises licence for The Idle & Thackley
Alexander, 49 Albion Road, Bradford
2. Application for a review of a premises licence for Lally's Royds
Supersave, 4 Strensall Green, Buttershaw, Bradford
3. Appeal against the decision of the Bradford Licensing Panel on 13 May 2008
in relation to an application for a review of the premises licence for Harber
Mills, 262 Thornton Road, Bradford (Document "AB") – URGENT ITEM



2006-2007
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INVESTOR IN PEOPLE

Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



RECORD OF A HEARING FOR A REVIEW OF THE PREMISES LICENCE FOR THE ALEXANDER, 49 ALBION ROAD, IDLE, BRADFORD (DOCUMENT "A").

Commenced: 10.35

Concluded: 12.05

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee

Parties to the Hearing:

Representing Interested Parties

Miss Robinson, local resident

Miss Clarke, local resident

Councillor Sunderland, Ward Councillor representing Sharon Robinson

Representing the Licensee

Mr McRill, Licensing Agent

Mr Watts, Designated Premises Supervisor and Licensee

Mr Wadsworth, Operations Director, Leondis Inns & Taverns.

Representations:

The licensing officer in attendance summarised the background to the request for the review which included details of the current Premises Licence which authorised the sale by retail of alcohol for consumption on and off the premises and the provision of regulated entertainment (exhibition of films, indoor sporting events, performance of live music, playing of recorded music, entertainment of similar description, facilities for making music and dancing) and late night refreshment from 23.00. A map of the area, showing the premises and neighbouring houses, was tabled.

It was reported that two local residents had jointly asked for review of the licence on the grounds of noise and disturbance caused by patrons drinking and smoking outside the premises late at night and noise nuisance from regulated entertainment when the back and front doors were left open.

A copy of the application for review was attached as Appendix 2 to Document "A". A petition had also been received in October 2007 and was also contained at Appendix 2 although Members were advised that no petition was received with the application for review and that previous letters and petitions could not be taken into account.

The local residents requesting the review addressed the meeting and reported that their main objection to the licensed premises was that it was located within a residential area with houses to the rear and along side the premises. A nursing home for elderly people was adjacent to the premises. They explained that they had both lived in the area for a number of years and had experienced the following problems from the premises:-

- Loud noise and disturbance emanating from the premises when playing music, karaoke and when patrons were drinking and smoking outside of the premises.

- Noise and disturbance when patrons were arriving and departing from the premises in the early hours of the morning.
- Regular scuffles between patrons who were inebriated
- Taxis beeping their horns when collecting patrons.
- Patrons urinating outside of the premises.
- Glasses being smashed and thrown into residents' gardens resulting in littering the area and pets being cut.
- Unruly behaviour had resulted in residents being afraid to venture out of their homes late at night.
- Bottles were emptied into the waste receptacle outside of the premises late at night.
- There had been a number of different landlords over a period of time and they were not always aware of the continuing problems residents were experiencing and of the premises responsibility to the local community. It was felt that a continuing succession of landlords would exacerbate the lack of communication about the problems the residents were experiencing.
- Lack of parking at the premises resulted in people parking outside of local residences.

It was claimed that the only time that the residents had not experienced disturbance in the area was during the period, two years ago, when the premises had been closed. Residents believed that the venue was promoting irresponsible behaviour and photographs of an event being publicised at the premises were tabled. Reference was also made to the outside, heated, smoking area which it was claimed did not have planning permission. In response to this they were advised that planning issues were outside of the remit of the panel who could only consider the objectives of the Licensing Act 2003.

It was requested that the operating hours be restricted and patrons be prevented from drinking outside late at night.

In response to questions Members were advised that the residents had not discussed the problems with the landlord but had requested that glass and bottles should not be emptied outside late at night. They claimed that they had spoken to previous landlords but had met with hostility. It was conceded, however, that since the application for review the situation had improved.

The agent representing the Licensee and DPS addressed the meeting. He reported that his client had been at the premises since December 2006 and that the venue was run well, had been tastefully refurbished and kept clean and tidy. The premises had received a formal warning about breach of Condition 19 on 8 March 2008 and since that time the external area had not been used between 23.00 and 07.00 hours. The DPS and the Operations Director for Leondis Inns and Taverns had reviewed staff training and monitored and controlled how the premises were run.

The following statements, in support of the licensee, were also provided by his representative:-

- Noise and disturbance late at night was being prevented by the doors to the premises being closed and locked at midnight and patrons leaving the premises through the rear doors by 00.30 hours.
- The DPS kept a diary of his monitoring of the situation which showed that checks were made throughout the evening to monitor noise levels.
- The recent ban on smoking in enclosed public spaces had resulted in patrons leaving the premises to smoke but they were persuaded to use the rear patio area.

Tables had been removed from the front of the premises and patrons were asked to move away from the highway.

- Patrons were asked not to take their drinks outside and to keep the outer doors closed.
- A neighbouring venue featured live rock bands and it was difficult to determine where noise disturbance was originating.
- The DPS was a member, and regular attendee, of the local pub watch scheme and encouraged the use of taxis with a ring back service to prevent disturbance to residents.
- Training and other measures undertaken demonstrated the licensee's endeavours to operate within the law.

Members questioned the current opening times of the premises and were advised that music was ceased at 23.30 hours, the doors were locked to incoming clientele at midnight and all customers were asked to leave by 00.30 hours.

The licensee's representative was asked to consider the resident's wish to restrict operations to 23.00 hours at the weekends but referred to the significant commercial effect on the business if such restrictions were agreed. The live televising of sporting events late at night was an attraction to patrons but it was confirmed that a restriction to 01.00 hours would be acceptable.

The restriction of drinks outside of the premises at any time was suggested and the licensee's representative accepted after 21.00 hours would be acceptable.

Members were concerned that fire doors were being locked and the design and layout of the premises, including doors and access arrangements, were reported in detail.

Occupancy levels were queried and Members were advised that the figures varied between 20 and 100 people.

Details of meetings between the new licensee and local police and neighbourhood support officer were reported by the licensee's representative and it was revealed that an informal meeting to introduce the licensee to the area and its history and local issues had taken place on 5 July 2007.

In summary the local residents reiterated that young children and elderly residents could be disturbed if the licence was not restricted to 23.00 hours. They wished to see security staff employed to manage patrons and measures to prevent taxi's from beeping their horns.

The licensee's representative concluded with the statement that there had been only one formal complaint about the premises after which steps had been taken to alleviate the issue; the DPS was a member of the local pub watch and he was receiving and providing ongoing staff training, arrangements could be made with local taxi firms to request a ring back service be utilised, there were other licensed premises in the area and it was supposition to presume broken glasses came from his client's premises. He explained that the licensee and Leondis Inns and Taverns had made a significant investment in the premises and would operate with consideration to its location.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel finds as follows:

- 1.1 That the hours of licensable activities should be amended on Friday and Saturday only to 10.00 until midnight.**
- 1.2 That the consumption of alcohol and food in the external areas of the licensed premises shall not be allowed after 2100 hours.**
- 1.3 That the licensee shall not allow food or drink in opened bottles, glasses or other receptacles to be taken or consumed outside of the licensed premises after 2100 hours.**
- 1.4 That the disposal of waste bottles and glass in to externally located receptacles shall not take place between the hours of 2300 and 0700 on any day.**
- 1.5 That the licensee be requested to arrange regular meetings with representatives of the local residents to discuss areas of concern that may arise from time to time.**

Reason: In order to ensure that the Licensee takes all steps in his control to limit noise nuisance and disturbance being caused to local residents as a consequence of the deposit of waste bottles and to limit noise and disturbance emanating from the premises to local residents late at night from patrons using and leaving the premises – prevention of public nuisance objective.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

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THESE RECORDS HAVE BEEN PRODUCED, WHEREVER POSSIBLE, ON RECYCLED PAPER

RECORD OF A HEARING FOR A REVIEW OF THE PREMISES LICENCE FOR LALLY'S SUPERSTORE, 4 STRENSTALL GREEN, BRADFORD (DOCUMENT "B").

Commenced: 12.10

Concluded: 13.05

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee

Parties to the Hearing:

Representing Responsible Authorities

Mr J Tyson, West Yorkshire Police Licensing Officer

Representing the Licensee

Mr Newbon, Barrister

Mr Singh, Licensee

Representations:

The licensing officer in attendance summarised the background to the request for the review which included details of the current Premises Licence which authorised the sale by retail of alcohol for consumption off the premises. A map of the area, showing the premises and neighbouring area, was tabled.

The West Yorkshire Police Licensing Officer outlined the application for review of the licence which had followed three underage sales of alcohol being made within a three month period.

A detailed background to the request for the review was provided and outlined details of two national Home Office campaigns to target venues where concerns had been raised about the possibility of underage sales of alcohol taking place.

Lally's Superstore had been visited and test purchases initiated on six occasions between May 2007 and February 2008. During this time three sales to underage people had been made and three sales refused at the store. Following the offences in May and June 2007 a letter had been sent to the Licensee by West Yorkshire Trading Standards outlining what had happened and offering advice and informing him of the consequences of further underage sales being made.

Members were advised that although one of the sales had been made by a person visiting the shop the offence had still occurred. The offence of persistently selling to underage people had not occurred because the incidents had not happened within three months of each other; however, the nature of the underage sales was still believed to be very serious.

Members questioned the measures which the police had undertaken to advise licensees how to stay within the law. In response it was reported that the Licensing Act 2003 advised that premises where no problems had been perceived were left alone. The

offences had come to light as the result of a Home Office campaign and no previous visits had been made.

The Barrister acting for the Licensee questioned whether his client had received any advice about identifying children who try to look older than their age. He stated that his client had telephoned the police station on two occasions and visited on one to try to get advice. He questioned whether any other assistance had been provided to the licensee and, in response, it was clarified that no assistance had been given. The operational arrangements of the Neighbourhood Police Team were discussed.

The Police Licensing Officer was asked what he felt to be a reasonable outcome of the review and he reported that, in line with national guidelines, he believed that the premises should at the very least have the licence suspended. Guidance from the Department of Culture, Media and Sport addressed national concerns regarding underage drinking and access to alcohol and it was believed that the offence of persistent selling would be reduced to two sales within three months in the future.

The Barrister representing the licensee addressed the meeting in response to the West Yorkshire Police Licensing Officer's review application.

With the permission of the Police Licensing Officer he tabled a document containing statements from the licensee and his son outlining the sequence of events at the time of the underage sales, the staffing arrangements in place at the time and measures introduced since the offences to ensure no underage sales were ever made again.

Photographs of the store and signage erected to prevent underage sales were included in the document together with a location map of the store and other off licences in the area.

It was stressed that the licensee was of good character; he had never been accused of underage sales before or of any other blemish with the law. He had acted as a good citizen and reported disruptive behaviour to the police.

Members were requested to view the third offence differently as this had been made whilst the person in charge of the shop had visited the toilet and a relative who had called at the premises had taken the money for the sale. Measures to prevent future underage sales had been implemented and included the installation of a till which would prompt sales staff to question the age of purchasers when alcohol sales were being made. He reiterated that his client had repeatedly asked for help to identify under age purchasers and that all fines were paid promptly.

Members questioned the CCTV arrangements at the premises and were advised that the equipment could monitor what customers were doing in remote parts of the shop but did not record. Quotes for updated equipment had been sought but as the licensee was in the process of selling the business these had not been pursued.

In summary the West Yorkshire Police Licensing Officer stressed national concerns about alcohol being available to under 18's. He reiterated that a message must be sent to offenders that their licence would be reviewed if they persisted in selling to children.

The licensee's legal representative concluded that his client had been proactive in his response to the offences; he had attempted to obtain advice and had taken action to prevent further underage sales.

Resolved –

That having considered all valid representations made by the parties to the hearing; valid written representations received during the statutory period, the published statement of licensing policy and relevant statutory guidance; the panel finds as follows:

- 1. That the premises licence be suspended for a period of 28 days.**

Reason: The incidents outlined by West Yorkshire Police, including evidence of the Licensee's lack of sufficient controls to reasonably prevent access by under age people to alcohol; and the acknowledged deficiencies in the current close circuit television system installed in the premises in providing adequate monitoring and supervision of the internal area of the premises; justify suspension of the licence.

- 2. That on expiry of the suspension period no licensable activities shall resume at the premises until an enhanced CCTV system (with satisfactory internal and external coverage) has been installed at the premises to the satisfaction of the Licensing Authority, in consultation with West Yorkshire Police, and such system as approved shall be thereafter maintained in good working order and used at all times the premises remain open to the public for licensable activities. Any CCTV footage shall be kept for at least 28 days and be available to the Licensing Authority or a Responsible Authority on request.**

Reason: In order to ensure that the current inadequate coverage and recording of the existing CCTV system is improved substantially in order that it operates effectively in deterring/monitoring crime – prevention of crime and disorder.

- 3. That an appropriate proof of age policy, incorporating the principles of the "Think 21" Campaign be implemented; incorporating measures to ensure that any patron wishing to purchase alcohol in the premises who may reasonably appear to be under 21 years of age are asked to prove they are at least 18 years old by displaying evidence of their identity and age in the form of a valid UK passport or new-style driving licence displaying their photograph. All staff employed in the premises must be adequately trained in their responsibility for enforcing the proof of age policy, all relevant conditions of licence, and all relevant licensing laws.**

Reason: To assist in ensuring that underage people do not gain access to alcohol – prevention of crime and disorder and protection of children from harm objectives.

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

**THE DECISION OF THE BRADFORD LICENSING PANEL ON 13 MAY 2008 IN
RELATION TO AN APPLICATION FOR A REVIEW OF THE PREMISES LICENCE FOR
HARBER MILLS, 262 THORNTON ROAD, BRADFORD (DOCUMENT "AB") – URGENT
ITEM**

Present:

Members of the Panel:

Bradford Licensing Panel: Councillors Hill (Chair), Ferriby and McPhee

The Council's Legal Officer advised Members that an appeal against the decision of the Bradford Licensing Panel on 12 May 2008 had been received. In order to negotiate a settlement he requested that authority be delegated to the Assistant Director, Corporate Services, (City Solicitor), to negotiate on their behalf. It was agreed that in light of the appeal proceedings and in order to report to the Court the result of without prejudice negotiations between the Council and the appellant relating to the possible settlement of the case, that the item be dealt with as an urgent item although it had not been publicised on the published agenda.

It was explained that the licensee believed that the condition that a minimum of 10 door staff be employed at the premises during the hours of licensable activities was unworkable and not practical during events designed for 100 people or less.

Members received a copy of letter, from the Licensee to the Council's Regulatory Law Team dated 13 June 2008, which detailed proposed working arrangements for small and larger events.

It was agreed that the condition could be amended for small events to a safe and workable level. It was believed that events attracting up to 100 people could be monitored by 4 door staff; events for up to 200 people would require 6 staff and numbers of 200 or more should be controlled by at least 10 door staff.

Resolved –

That, in consultation with the Chair, authority be delegated to the Assistant Director, Corporate Services (City Solicitor) to negotiate a settlement between the Council and the appellant paying due regard to the Panel's view that events attracting up to 100 people should be monitored by at least 4 registered door staff; events for up to 200 people would require at least 6 registered door staff; and numbers exceeding 200 up to the capacity of the premises should be controlled by at least 10 door staff (including at least one female registered door staff in all cases).

Chair

Note: This record is subject to approval as a correct record at the next meeting of the Licensing Committee.

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